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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,157	08/30/2005	Chris Tsakopoulos	CU-4203 BWH	2584
26530	7590	08/04/2006	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			RAYMOND, EDWARD	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/534,157	TSALAKOPOULOS, CHRIS
	Examiner	Art Unit
	Edward Raymond	2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 7/18/06.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 46-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 46-64,74-79 and 82-84 is/are rejected.
- 7) Claim(s) 65-73,80,81,85 and 86 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 May 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20050623</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the lines and characters are not clear and consistent. The blocks should also be labeled as to their function. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 46-64, 74-79 and 82-84** are rejected under 35 U.S.C. 102(b) as being anticipated by Wakeman et al.

Wakeman et al. teach an apparatus for assisting a user in determining a level of confidence in a risk assessment (Claims 46, 60, 63, 64, 74, 75, 77, 78, 82, 83; see col. 3, lines 58-63), the apparatus comprising: input means for receiving at least one of a set of factors each of which can affect the level of confidence in the risk assessment (Claims 46, 60, 63, 64, 74, 75, 77, 78, 82, 83; see Table 2: Input Z factor); storage means for storing the set of factors and a set of weighting indicators (Claims 46, 60, 63,

64, 74, 75, 77, 78, 82, 83: see col. 2, lines 47-53), wherein each factor within the set of factors is associated with a weighting indicator from the set of weighting indicators (Claims 46, 60, 63, 64, 74, 75, 77, 78, 82, 83: see col. 4, lines 47-55); processing means for processing the at least one of the set of factors entered into the input means and processing the set of factors stored in the storage means in order to identify a factor in the set of factors which corresponds to the at least one factor entered into the input means (Claims 46, 60, 63, 64, 74, 75, 77, 78, 82, 83: see col. 9, lines 1-10); and output means for outputting the set of weighting indicators and the weighting indicator associated with the factor identified by the processing means (Claims 46, 60, 63, 64, 74, 75, 77, 78, 82, 83: see col. 7, line 62 through col. 8, line 18).

Wakeman et al. teach an apparatus wherein the set of factors comprises: information about a technique used to obtain the risk assessment (Claim 47: see col. 3, lines 58-63); information about a technique used to perform the risk assessment (Claim 47: see col. 4, lines 11-35); an extent to which the technique is used to obtain the risk assessment (Claim 47: see col. 4, lines 11-35); a level of acceptance of the technique and the extent to which the technique is used to obtain the risk assessment (Claim 47: see col. 4, lines 11-35); and information about the environment of the risk assessment (Claim 47: see col. 4, lines 11-35).

Wakeman et al. teach an apparatus wherein the set of weighting indicators and the set of factors are arranged as a matrix (Claims 48, 79 and 84: see col. 4, lines 11-35), wherein the set of weighting indicators are entries in the matrix and the set of factors provide an index to the entries (Claims 48 and 79: see Figure 5A).

Wakeman et al. teach an apparatus wherein each of the set of factors providing the index to the entries in the matrix are divided into sub-factors (Claims 49 and 61: see Figure 5A).

Wakeman et al. teach an apparatus wherein the set of factors providing the index to the entries in the matrix comprise: the information about the environment of the risk assessment (Claim 50: see Figure 5A); information about the technique used to obtain the risk assessment (Claim 50: see col. 4, lines 11-35); information about an extent to which the technique is used to obtain the risk assessment (Claim 50: see col. 4, lines 11-35); information about a level of acceptance of the extent to which the technique is used to obtain the risk assessment (Claim 50: see col. 4, lines 11-35).

Wakeman et al. teach an apparatus wherein the sub-factors for the environment of the risk assessment comprise: simple; low; moderate; high moderate; and complex (Claim 51: see Figure 5A: The Examiner notes that the score is equivalent to the level of risk as claimed).

Wakeman et al. teach an apparatus wherein the sub-factors for the extent to which the technique is used comprises: basic; moderate; and extensive (Claim 52: see Figure 5A: The Examiner notes that the score is equivalent to the level of risk as claimed).

Wakeman et al. teach an apparatus wherein the input means allows the user to enter and/or change the set of factors and the set of weighting indicators (Claims 53, 62 and 76: see col. 8, lines 19-37).

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Wakeman et al. teach an apparatus wherein the input means is capable of storing in the storage means the set of factors and the set of weighting indicators entered into the input means (Claims 54 and 56-58: see col. 2, lines 47-53).

Wakeman et al. teach an apparatus wherein the input means comprises a GUI (Claims 55 and 59: see col. 9, lines 1-18).

***Allowable Subject Matter***

4. **Claims 65-73, 80, 81, 85 and 86** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

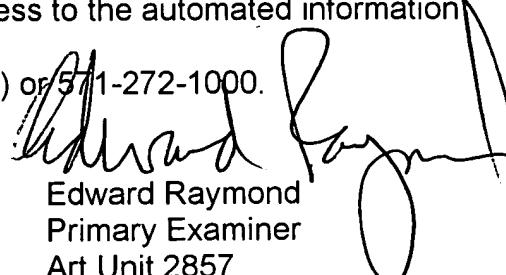
***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-2221. The examiner can normally be reached on M-F 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Edward Raymond  
Primary Examiner  
Art Unit 2857

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